

DELEGATE BAMBERGER: It is a departure from the present practice to the extent that the present practice does not require the General Assembly to levy any new tax.

DELEGATE SHERBOW: They are required to levy an additional real estate tax.

DELEGATE J. CLARK (presiding): Delegate Bamberger.

DELEGATE BAMBERGER: Yes. The board of public works then has to fix a higher rate. Is that correct?

DELEGATE SHERBOW: That is right.

DELEGATE J. CLARK (presiding): Delegate Bamberger.

DELEGATE BAMBERGER: One last question: I would be interested in hearing the Committee's thought which produces the result that the General Assembly may increase the budget for capital expenditures but may not increase the budget for operating expenditures.

DELEGATE SHERBOW: The General Assembly may increase the budget for operating expenditures by a supplementary appropriation bill which carries with it the tax to finance it and fund it.

DELEGATE J. CLARK (presiding): Does anyone else wish to ask a question of Delegate Sherbow?

Delegate Case.

DELEGATE CASE: First, let me say in answer to—I am really supposed to be asking a question, but it may be helpful for the record to let me answer Delegate Bamberger's question, if I may.

What you have to realize here is that all bond bills are considered to be supplementary appropriation bills, and they are not always as you stated. In other words, the governor can send down a capital bill having a number of items, or he can send down one bill. The legislature can put in one bill.

In any case, the legislature has the right to increase it, but it has to find the tax. The tax it finds traditionally has been real estate tax, by increasing the rate, but it is not limited to that. It can find any other tax it wants and put it on.

This provision you have been talking about in effect continues that, but spotlights it. Up to this point it has been pretty easy sometimes for capital improvements to go on a budget bill in cookbook

phraseology which would include the tax as just automatically increased. Under this procedure, the Committee thinks it is an added safeguard. Under this procedure the finding of the new tax will, at least, be spotlighted, whether it be the real estate tax or any other tax. That is what I wanted to say to you.

Delegate Sherbow, the question is still a little fuzzy in this area. You will recall Delegate Willoner asked you about section 4.14, veto by the governor, and 4.15, item veto, which has already been passed by the Committee.

Am I not correct in stating for the record that the word "supplementary appropriation bill," which the governor is given the right to item veto, is the same "supplementary appropriation bill" which our Committee dealt with in section 6.10 and section 6.11?

DELEGATE SHERBOW: Exactly correct.

DELEGATE J. CLARK (presiding): Are there any further questions?

The Chair recognizes Delegate Willoner.

DELEGATE WILLONER: Judge Sherbow, I would like to get back to make sure I understand the mandatory appropriation provided in the judicial sections.

As I understand it, the appropriations of the Chief Judge of the Superior Court or Court of Appeals, or however that is worked out, will have to be included in the budget bill. But when that budget bill comes to the floor, the budget bill in regard to the judicial branch can be reduced under section 6.07, is that correct?

DELEGATE J. CLARK (presiding): Delegate Sherbow?

DELEGATE SHERBOW: No, they cannot reduce the judicial budget.

DELEGATE J. CLARK (presiding): Delegate Willoner.

DELEGATE WILLONER: The way this reads is, the General Assembly may amend the budget bill by increasing any item relating to the legislative or judicial branches or reducing or striking out any item, with the two exceptions of the bonds and school system.

Do you intend that the General Assembly cannot amend the budget bill in regard to the judicial or legislative branch by reducing it?